

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARTHA EVANS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:19-cv-318-CWR-MTP

NANCY A BERRYHILL,
Commissioner of Social Security

DEFENDANT

ORDER

THIS MATTER is before the Court for case-management purposes. Plaintiff filed this social security appeal on May 6, 2019. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff had ninety days, or until August 5, 2019, to serve process on Defendant and file proof thereof with the Court. Plaintiff has yet to serve process on Defendant but filed an Amended Complaint [4] on August 1, 2019 that added no new defendants.

Filing an amended complaint does not restart the clock for purposes of serving defendants that were already named in the original complaint. *Fox v. United States*, 2012 WL 639915, at *1 (S.D. Miss. Feb. 27, 2012) (citing *Bolden v. City of Topeka, Kan.*, 441 F.2d 1129, 1148-49 (10th Cir. 2006)). Plaintiff did not name any new defendants in her Amended Complaint [4] and the obligation to serve Defendant by August 5, 2019 was not relieved by the filing of an amended complaint. Plaintiff shall, therefore, serve Defendant and file proof of service or show cause why this matter should not be dismissed for failure of service by **September 3, 2019**.

SO ORDERED, this the 19th day of August, 2019.

s/Michael T. Parker
United States Magistrate Judge